

9016

RETURN TO
OREGON STATE HIGHWAY DIVISION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM, OREGON 97310

Vol. m89 Page 24105

Highway Division
File 57757
Map No. 9B-32-1

K-40977
WARRANTY DEED

WEYERHAEUSER COMPANY, a Washington corporation, Grantor, hereby conveys unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, fee title to the following described property, to wit:

PARCEL 1

A parcel of land lying in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22 and the W $\frac{1}{2}$ of Section 23, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in those deeds to Weyerhaeuser Company, recorded in Book M-71, Page 11358 and in Book M-75, Page 13448 both of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southwesterly of that property described in that deed to Reuben A. and Ella May Talbot, recorded in Book 233, Page 209 of Klamath County Record of Deeds and included in a strip of land variable in width, lying on the Southeastern side of the center line of the Green Springs Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 223+82.73, said station being 623.65 feet South and 224.28 feet West of the North quarter corner of Section 27, Township 39 South, Range 8 East, W.M.; thence North 49° 50' 04" East 2112.37 feet; thence on a spiral curve left (the long chord of which bears North 48° 53' 49" East 374.96 feet) 375 feet; thence on a 3819.72 foot radius curve left (the long chord of which bears North 45° 11' 32.5" East 243.90 feet) 243.94 feet; thence on a spiral curve left (the long chord of which bears North 41° 29' 16" East 374.96 feet) 375 feet; thence North 40° 33' 01" East 503.74 feet; thence on a spiral curve left (the long chord of which bears North 39° 53' 01" East 399.98 feet) 400 feet; thence on a 5729.58 foot radius curve left (the long chord of which bears North 38° 13' 13" East 66 feet) 66 feet; thence on a spiral curve left (the long chord of which bears North 36° 33' 25" East 399.98 feet) 400 feet; thence North 35° 53' 25" East 450.23 feet; thence on a spiral curve right (the long chord of which bears North 36° 43' 25" East 399.97 feet) 400 feet; thence on a 4583.66 foot radius curve right (the long chord of which bears North 46° 22' 26.5" East 1273.27 feet) 1277.40 feet; thence on a spiral curve right (the long chord of which bears North 56° 01' 28" East 399.97 feet) 400 feet; thence North 56° 51' 28" East 2944.83 feet; thence on an 11,459.16 foot radius curve left (the long chord of which bears North 56° 25' 41" East 171.89 feet) 171.89 feet; thence North 55° 59' 54" East 1795.06 feet to Engineer's center line Station 342+98.19.

The widths in feet of the strip of land above referred to are as follows:

89 DEC 13 PM 2 38
60 327 31

Station	to	Station	Width on Southeasterly
242+00		252+00	60
252+00		251+00	60 in a straight line to 70
253+00		254+00	70
254+00		257+00	70 in a straight line to 55
257+00		264+00	55
264+00		265+00	55 in a straight line to 70
265+00		269+00	70 in a straight line to 50
269+00		283+68	50
283+68		284+13	35
284+18		298+50	50

Bearings are based upon the Oregon Co-ordinate System, South Zone.

The parcel of land to which this description applies contains 4.33 acres, more or less, outside of the existing right of way.

PARCEL 2

A parcel of land lying in the NE $\frac{1}{4}$ of Section 23, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Weyerhaeuser Company, recorded in Book M-75, Page 13448 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Easterly of that property described in that deed to Raymond L. and Marjorie Murray, recorded in Book 174, Page 313 of Klamath County Record of Deeds and included in a strip of land variable in width, lying on the Southeasterly side of the center line of the Green Springs Highway as said highway has been relocated, which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
300+00		303+00	35 in a straight line to 45

The parcel of land to which this description applies contains 0.02 acre, more or less, outside of the existing right of way.

PARCEL 3

A parcel of land lying in the NW $\frac{1}{4}$ of Section 23, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Weyerhaeuser Company, recorded in Book M-69, Page 9198 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width,

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lying on the Southeasterly side of the center line of the Green Springs Highway as said highway has been relocated, which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
300+00		303+00	35 in a straight line to 45
303+00		312+00	45
312+00		316+00	45 in a straight line to 80

The parcel of land to which this description applies contains 0.55 acre, outside of the existing right of way.

PARCEL 4

A parcel of land lying in the S¹/₄SE¹/₄ of Section 14 and in the NW¹/₄SE¹/₄ of Section 23, Township 39 South, Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Weyerhaeuser Company, recorded in Book M-74, Page 6738 of Klamath County Record of Deeds; the said parcel being that portion of said property and included in a strip of land variable in width, lying on the Southeasterly side of the center line of the Green Springs Highway as said highway has been relocated, which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
310+00		312+00	45
312+00		316+00	45 in a straight line to 80
316+00		318+00	80
318+00		320+00	80 in a straight line to 45
320+00		335+00	45

The parcel of land to which this description applies contains 1.69 acres, more or less, outside of the existing right of way.

TOGETHER WITH all abutter's rights of access between the relocated Green Springs Highway and Grantor's remaining real property, EXCEPT, however, those certain reservations of access rights and minerals described on Page 3A, attached.

RESERVATION OF ACCESS RIGHTS

The Grantor hereby expressly reserves access rights, for the service of Grantor's remaining property, to and from said remaining property to the abutting highway at the following places, in the following widths, and for the following purposes:

<u>Hwy. Engr's Sta.</u>	<u>Side of Hwy.</u>	<u>Width</u>	<u>Purpose</u>
251+95	South	35 feet	Unrestricted
258+50	South	35 feet	Unrestricted
283+90	South	75 feet	Unrestricted
288+50	South	35 feet	Unrestricted
301+74	South	35 feet	Unrestricted
307+95	South	35 feet	Unrestricted
311+00	South	35 feet	Unrestricted
324+90	South	35 feet	Unrestricted

RESERVATION OF MINERALS

The Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns, forever, all geothermal steam and heat and all metals, ores and minerals of any nature whatsoever in or upon said land including, but not limited to, coal, lignite, peat, oil and gas, including coal seam gas, together with the right to take out and remove therefrom all such geothermal resources, metals, ores, and minerals. Provided that the Grantor, its successors and assigns, will not occupy or use the surface of said land and will not do any development, excavation or mining within a vertical depth of 500 feet. Grantor, its successors and assigns, shall, however, have the right to enter upon such land to conduct geophysical and geological surveys and other exploration. Grantee and Grantee's representatives, successors and assigns, shall be paid just and reasonable compensation for any injury or damage to the surface of said land, to the crops or to the improvements thereon caused by the exercise of any rights herein reserved, provided further, that the exercise of such rights by Grantor, its successors and assigns, shall not be postponed or delayed so long as Grantor is making reasonable efforts to agree upon or have determined such just and reasonable compensation.

Grantor, also grants to Grantee, its successors and assigns, permanent easements to construct and maintain slopes, over the hereinafter described Parcel 5, and to relocate, construct, and maintain television cables, telephone and electric powerline facilities, and appurtenances therefor, over, under, across, and upon the hereinafter described Parcels 5 and 7, and to construct, operate, and maintain irrigation facilities over the hereinafter described Parcels 6 and 7, said property being described as follows:

PARCEL 5 - Permanent Easement for Slopes, Television Cables, Telephone and Electric Powerline Facilities

A parcel of land lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said sections lying between lines at right angles to the center line of the relocated Green Springs Highway at Engineer's Stations 283+68 and 284+18 and between lines parallel with and 35 feet Southeasterly and 50 feet Southeasterly of said center line which center line is described in Parcel 1.

The parcel of land to which this description applies contains 0.02 acres, more or less, outside of the existing right of way.

PARCEL 6 - Permanent Easement for Irrigation Facilities

A parcel of land lying in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being that portion of said section lying between lines at right angles to the center of the relocated Green Springs Highway at Engineer's Station 310+15 and 310+45 and between lines parallel with and 45 feet Southeasterly and 65 feet Southeasterly of said center line which center line is described in Parcel 1.

The parcel of land to which this description applies contains 0.01 acre, more or less.

PARCEL 7 - Permanent Easement for Television Cables, Telephone and Electric Powerline, and Irrigation Facilities

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 39 South,

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Range 8 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Weyerhaeuser Company, recorded in Book M-74, Page 6738 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Southeasterly of Parcel 4; Northeasterly of a line at right angles to the center line of the relocated Green Springs Highway at Engineer's Station 320+00 and included in a strip of land variable in width, lying on the Southeasterly side of said center line which center line is described in Parcel 1.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
320+00		332+00	100
332+00		334+20	100 in a straight line to 170
334+20		336+00	170

The parcel of land to which this description applies contains 1.93 acres, more or less.

IT IS UNDERSTOOD that the easements herein granted do not convey any right or interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted, or endanger the lateral support of said highway, that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor, its successors and assigns, by reason thereof, or by reason of any change of grade of the highway abutting thereon.

IT IS ALSO UNDERSTOOD that nothing herein contained is intended to create any obligation on the part of Grantee for the maintenance of said utilities.

Grantor hereby covenants to and with Grantee, its successors and assigns, that it is the owner of all of the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration received by Grantor for this conveyance is
\$ 19,385.00.

Dated this 5th day of October, 1989.



WEYERHAEUSER COMPANY

By E. J. Van Zandt
Acquisition & Valuation Manager,
Timberlands, Acting
By Kathy E. Bernstein
Assistant Secretary

STATE OF WASHINGTON)
COUNTY OF KING) ss.

* Acting

On this 5th day of October, 1989, before me personally appeared E. J. Van Zandt and Kathy E. Bernstein, to me known to be the Acquisition & Valuation Manager, Timberlands* and Assistant Secretary, respectively, of WEYERHAEUSER COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



5-8-89
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G. W. Bierck
Notary Public in and for the State of
Washington.
My Appointment expires: March 20, 1992

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 13th day
of Dec. A.D., 19 89 at 2:38 o'clock P.M., and duly recorded in Vol. M89,
of Deeds on Page 24105.

FEE \$38.00

Evelyn Biehn, County Clerk
By Debra Mullendare